

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**August 17, 2006**

DIVISION ONE

B188461      People                                  (Not for Publication)  
v.  
**Jesse Walton**

The judgment is affirmed.

Rothschild, J.

We concur:   Mallano, Acting P.J.  
                      Vogel (Miriam A.), J.

B176413      People                          (Not for Publication)  
v.  
Jurcoane

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The judgment is affirmed.

Rothschild, J.

We concur:   Mallano, Acting P.J.  
                      Vogel (Miriam A.), J.

B182444      In Re Dan K. Stevenson  
Kenneth G. Petrulis, as Administrator, etc.,  
v.  
William C. Wilk

Filed order denying petition for rehearing.

DIVISION ONE (Continued)

B191877     Aguilar  
              v.  
              Patel et al.

Filed order denying petition for rehearing.

B182544     Emma G. Eastman  
              v.  
              Loretta Clark et al.

Filed order denying petition for rehearing.

DIVISION TWO

Court convened at 9:00 a.m.

Present: Boren, P.J., Doi Todd, J., Ashmann-Gerst, J., Chavez, J. and Joyce Hatter,  
Deputy Clerk.

Each of the following:

B185047     People v. Hawk  
B184579     People v. Negrete  
B185360     People v. Borjal  
B186554     People v. Pipkin  
B184353     People v. Arnstribg  
B189705     In re: Elizabeth P.  
B188351     In re: Sherita H.  
B191663     In re: Monica R.

Argument waived, cause submitted.

DIVISION TWO (Continued)

B187883     Gunnell  
               v.  
               Castaldi

Merits:

Argued by James E. Arden for appellant and by Claudia C. Bohorquez for respondent. Cause submitted.

B185489     People  
               v.  
               Humphries

Merits:

Argued by James R. Bostwick for appellant and by William H. Shin, Deputy Attorney General for respondent. Submission deferred pending further briefing.

B185838     Moreno  
               v.  
               Anwa Hotel & Resort Intl., Inc. et al.

Merits:

Argued by David Himelson for appellant and by Robert M. Goldfried for respondents. Cause submitted.

B188180     Uribe  
               v.  
               Workers Compensation Appeals Board  
               Valaskantijis, et al., Respondent

Merits:

Argued by Richard Wooley for petitioner and by Michael Walsh for real parties in interest. Cause submitted.

Court recessed.

DIVISION TWO (Continued)

Court reconvened at 1:00 p.m.

Present: Boren, P.J., Doi Todd, J., Ashmann-Gerst, J., Chavez, J. and Joyce Hatter,  
Deputy Clerk.

B175901     People  
              v.  
              Sandoval

Merits:  
Argued by Allen G. Weinberg for appellant and by Ryan M. Smith, Deputy  
Attorney General for respondent. Cause submitted.

B180717     McCauley  
              v.  
              Cutley

Merits:  
Argued by Stanley D. Bowman for appellant and by Naveen Madala for  
respondent. Cause submitted.

B185511     Daryaie  
              v.  
              Burgess Family Trust

Merits:  
Argued by Gennady L. Lebedev for appellant and by Douglas S. Phillips  
for respondent. Cause submitted.

B184007     Sarkissian  
              v.  
              City of Calabasas, et al.

Merits:  
Argued by Gene M. Ramos for appellant and by Ernest M. Malaspina for  
respondents. Cause submitted.

August 17, 2006 (Continued)

## DIVISION TWO (Continued)

B184008      Woods  
                    v.  
                    Whims

Merits:

Argued by Barry Fischer for appellant and by Joan L. Adams for respondent. Cause submitted.

B187600 Swiss Reinsurance America Corp. et al.

V.

Superior Court, Los Angeles County (John Garamendi, r.p.i.)

Merits:

Argued by Gary A. Nye for petitioner Swiss Reinsurance America Corp; Helen Duncan for petitioner, Continental Casualty Co.; John L. Viola for petitioner St. Paul Fire & Marine Insurance Co. and by Michael R. Weiss for real party in interest. Cause submitted.

Court adjourned.

B185738 People

V.

Tsou

Filed order denying petition for rehearing.

## DIVISION THREE

B182358 People

V.

Carillo

(Not for Publication)

The judgment is affirmed.

Kitching, J.

We concur: Klein, P.J.  
Croskey, J.

August 17, 2006 (Continued)

### DIVISION THREE (Continued)

B188726 People (Not for Publication)  
v.  
Jesse Valenzuela Torres

The judgment is affirmed.

Klein, P.J.

We concur:   Croskey, J.  
                      Kitching, J.

B182061 Kim (Not for Publication)  
v.  
Gill

The trial court's November 23, 2004, order granting the receiver's motion to disapprove appellant's claim and for return of the funds paid is reversed. The receiver is to pay all costs on appeal.

Aldrich, J.

We concur: Klein, P.J.  
Croskey, J.

B182101 Amy G. (Certified for Publication)  
B187828 v.  
M.W.  
G.G.

The order to show cause is discharged. Father's petition for writ of prohibition or other appropriate relief is denied. The order granting Kim's motion to quash and dismissing Amy's independent action is affirmed. Kim shall recover her costs.

Klein, P.J.

We concur:   Croskey, J.  
                      Kitching, J.

August 17, 2006 (Continued)

### DIVISION THREE (Continued)

B177015      Bedros Melkonian      (Not for Publication)  
v.  
Miller & Co. L.L.P. et al

The judgment is affirmed. Defendants and respondents Morton Algaze and Miller & Company shall recover costs on appeal.

Aldrich, J.

We concur:   Croskey, Acting P.J.  
                  Kitching, J.

B183887      Hirschfield, et al.      (Not for Publication)  
v.  
Santa Monica Rent Control Board

The judgment is affirmed. Respondent Santa Monica Rent Control Board is to recover its costs on appeal.

Aldrich, J.

We concur: Klein, P.J.  
Croskey, J.

## DIVISION SIX

[illegible]

We vacate the sentences on counts 5, 6 and 7, the offenses committed against Mayra and remand the case for resentencing on those counts. On remand, the trial court may impose a one-strike sentence as to only one of these three counts. With respect to the remaining counts, sentence "shall be imposed as authorized under any other law, including Section 667.6, if applicable." (§667.61, subd. (g).) In all other respects, the judgment is affirmed.

Yegan, J.

We concur: Gilbert, P.J.  
Coffee, J.

## DIVISION EIGHT

B188926      Los Angeles County, D.C.S.      (Not for Publication)  
v.  
Destin S.

The juvenile court order terminating parental rights is vacated. The matter is remanded to the juvenile court. The court is directed to order DCFS to provide notice with mother's proper birth date to the appropriate tribe. After receiving proper notice, if no tribe indicates Kylee is an Indian child within the meaning of the ICWA, the court is directed to reinstate the order terminating parental rights. If a tribe determines Kylee is an Indian child, the court is ordered to conduct a new selection and implementation hearing. In all other respects, the order is affirmed.

Boland, J.

We concur: Cooper, P.J.  
Flier, J.



August 17, 2006 (Continued)

## DIVISION EIGHT (Continued)

B186207 Jones, (Not for Publication)  
v.  
Law Offices of Joseph Farzam,

The judgment is affirmed.

Boland, J.

We concur: Rubin, Acting P.J.  
Flier, J.

B183157 People (Not for Publication)  
v.  
Glaze

The judgment is affirmed.

Boland, J.

We concur: Rubin, Acting P.J.  
Flier, J.

B189933 People (Not for Publication)  
v.  
Butler

The judgment is affirmed.

Flier, J.

We concur: Rubin, Acting P.J.  
Boland, J.

August 17, 2006 (Continued)

## DIVISION EIGHT (Continued)

B185910      Lopes,                                  (Not for Publication)  
v.  
De La Salle Institute et al.,

For the reasons set forth above, the judgment is affirmed. Respondents to recover their costs on appeal.

Rubin, J.

We concur: Cooper, P.J.  
Flier, J.